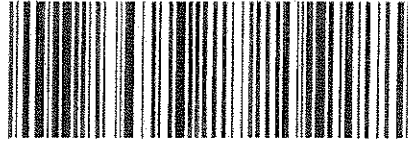


Office of the Secretary of State
Building 1 Suite 157-K
1900 Kanawha Blvd E
Charleston, WV 25305



9171 9237 9000 1000 5299 19



Natalie E. Tennant

Secretary of State
Telephone: 304-558-6000
Toll Free: 866-SOS-VOTE
www.wvsos.com

Dynamic Energy, Inc.
c/o Roman Semenov
100 Cranberry Creek Drive
Beckley WV 25801

ControlNumber: 322229
Defendant: Dynamic Energy, Inc.

County: 55
Civil Action: 9/20/2011
11-C-134

I am enclosing:

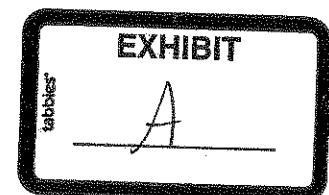
| | | |
|--|---|---|
| <input type="checkbox"/> summons | <input type="checkbox"/> affidavit | <input checked="" type="checkbox"/> 1 summons and complaint |
| <input type="checkbox"/> notice | <input type="checkbox"/> answer | <input type="checkbox"/> summons and verified complaint |
| <input type="checkbox"/> order | <input type="checkbox"/> cross-claim | <input type="checkbox"/> summons and amended complaint |
| <input type="checkbox"/> petition | <input type="checkbox"/> counterclaim | <input type="checkbox"/> 3rd party summons and complaint |
| <input type="checkbox"/> motion | <input type="checkbox"/> request | <input type="checkbox"/> notice of materialmans lien |
| <input type="checkbox"/> suggestions | <input type="checkbox"/> notice to redeem | <input type="checkbox"/> notice of mechanic's lien |
| <input type="checkbox"/> interrogatories | <input type="checkbox"/> request for production | <input type="checkbox"/> notice of uim claim |
| <input type="checkbox"/> discovery | <input type="checkbox"/> request for admissions | <input type="checkbox"/> subpoena duces tecum |
| <input type="checkbox"/> suggestee execution | <input type="checkbox"/> re-issue of uim claim | <input type="checkbox"/> Other |
| <input type="checkbox"/> subpoena | <input type="checkbox"/> writ | |
| <input type="checkbox"/> stipulation | <input type="checkbox"/> writ of mandamus | |

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in the name and on behalf of your corporation.

Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in your name and on behalf as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, not to the Secretary of State's office.

Sincerely,

Natalie E. Tennant
Secretary of State



IN THE CIRCUIT COURT OF WYOMING COUNTY, WEST VIRGINIA

JUAN R. ECHEGARAY,

Plaintiff,

v.

CIVIL ACTION NO.: 11-C-134

DYNAMIC ENERGY, INC. and
BLUESTONE INDUSTRIES, INC.,

Defendants.

S U M M O N S

TO THE ABOVE NAMED DEFENDANT: BLUESTONE INDUSTRIES, INC.
c/o Roman Semenov
100 Cranberry Creek Drive
Beckley, WV 25801

IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby summoned and required to serve upon Paul L. Frampton, Jr., plaintiff's attorney, whose address is P.O. Box 549, Charleston, West Virginia, 25322-0549, an answer, including any related counterclaim you may have, to the Complaint filed against you in the above-styled civil action, a true and exact copy of which is herewith delivered to you. You are required to serve your answer within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint and you will be thereafter barred for asserting in another action any claim you may have which must be asserted by counterclaim in the above-styled civil action.

Dated: 9-15-11

David H. H. H.
Clerk of the Court

Deputy Clerk
Deputy Clerk

IN THE CIRCUIT COURT OF WYOMING COUNTY, WEST VIRGINIA

JUAN R. ECHEGARAY,

Plaintiff,

v.

CIVIL ACTION NO.: 11-C-134

DYNAMIC ENERGY, INC. and
BLUESTONE INDUSTRIES, INC.,

Defendants.

COMPLAINT

1. The Plaintiff, Juan R. Echegaray, brings this action against the defendants for violation of the Fair Credit Reporting Act.

PARTIES

2. The plaintiff, Juan R. Echegaray, was at all times relevant herein, a resident of Logan County, West Virginia.

3. The defendant, Dynamic Energy, Inc., is a West Virginia corporation with its principal place of business in Beckley, Raleigh County, West Virginia, and at all times relevant herein was doing business in Wyoming County, West Virginia.

4. The defendant, Bluestone Industries, Inc., is a West Virginia corporation with its principal place of business in Beckley, Raleigh County, West Virginia, and at all times relevant herein was doing business in Wyoming County, West Virginia.

FACTS

5. On July 31, 2008, Plaintiff Juan Echegary filled out an "Application For Employment" with the defendants.

6. The Plaintiff was subsequently hired as a rock truck driver for Defendant Dynamic Energy, Inc. in Wyoming County, West Virginia.

7. After Plaintiff became employed by Defendant Dynamic Energy, Inc., Defendant Dynamic Energy, Inc. and Defendant Bluestone Industries, Inc. obtained one or more consumer reports concerning the Plaintiff.

8. Defendants did not provide a clear and conspicuous disclosure in writing to the Plaintiff before the reports were procured, in a document consisting solely of the disclosure, that a consumer report may be obtained for employment purposes.

9. The Plaintiff did not authorize in writing that such reports could be procured by the defendants.

10. Defendants took adverse action against the Plaintiff based upon the contents of the reports.

11. Prior to taking the adverse action against the Plaintiff the defendants did not provide the Plaintiff with a copy of the reports. In fact, defendants waited many months after receiving the reports to take adverse action against the Plaintiff.

12. Prior to taking the adverse action against the Plaintiff the defendants did not provide the Plaintiff with a description in writing of his rights under the Fair Credit Reporting Act.

13. Plaintiff did not learn that a consumer report had been obtained by defendants until on or about January 26, 2010.

FIRST CAUSE OF ACTION

14. The defendants negligently and/or willfully failed to comply with the requirements of the Fair Credit Reporting Act, 15 U.S.C. § 1681, et. seq. Further, defendants failed to maintain reasonable procedures to ensure compliance with the Fair Credit Reporting Act.

15. As a direct and proximate result of the defendants' aforesaid actions, the Plaintiff has suffered damages, including, but not limited to, humiliation, embarrassment, emotional and mental distress, loss of personal dignity, annoyance, inconvenience and statutory damages.

16. Defendants' actions entitle the Plaintiff to an award of attorney fees and costs.

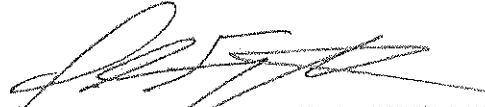
17. Defendants' actions entitle the Plaintiff to an award of punitive damages in an amount to be determined by the jury.

WHEREFORE, Plaintiff prays for the following relief:

1. Damages set forth in this Complaint, including humiliation, embarrassment, emotional and mental distress, loss of personal dignity, annoyance, inconvenience, statutory damages and punitive damages in an amount to be determined by the jury;
2. Prejudgment interest as provided by law;
3. Attorney fees and costs; and
4. Such further relief as this court may deem just and equitable.

THE PLAINTIFF DEMANDS A TRIAL BY JURY

JUAN R. ECHEGARAY,
By Counsel

A handwritten signature in black ink, appearing to read 'Mark A. Atkinson', is written over a horizontal line.

Mark A. Atkinson (WVSB #184)
Paul L. Frampton, Jr. (WVSB #9340)
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P.O. Box 549
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